



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/086,857	05/29/1998	DAVID T. FREDERICK	D-1093	8855

28995 7590 10/11/2006

RALPH E. JOCKE
walker & jocke LPA
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
----------	--------------

3653

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/086,857

Applicant(s)

FREDERICK ET AL.

Examiner

Michael Butler

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Affidavit

1. As noted by the Board on remand, the evidence submitted with the affidavit, fails to 1) show evidence documenting the asserted activities leading to the alleged reduction to practice or (2) satisfactory explanation for the absence of such evidence. The evidence fails to disclose a door.

As pointed out by the Board, the affidavit has been signed only by inventor R. Michael McGrady in conflict with eight named inventors of the declaration. Accordingly, acceptance of the 131 affidavit on claims 24 and 45 filed 9/27/2000 is withdrawn, the 131 affidavit filed 5/23/2000 is likewise further rejected for the same reasons.

However, given the remaining rejections on independent claims 24 and 45 coupled with a spectrum of varied dates that may be antedated or that applicant responses may result in those claims being antedated or the possibility applicant may elect to amend out subject matter not entitled to priority benefit in deference to achieving such priority benefit, the office elects to rely upon the chronologically stronger references used in appeal rather than the most easily antedated art, so reinstatement of the rejections withdrawn per the affidavit is not being elected.

Declaration

2. As raised by the Board, the differing information presented in the 131 affidavits in contrast to the declaration suggests either one or both the 131 affidavit or declaration has misidentified inventors. Accordingly, the declaration is objected to as being defective for misidentification of inventors.

Rejection

3. The Board has pointed out that rejections of rejoined claims 11, 34, 35, and 40, as well as the rebuttal art to claim 26 per applicant's challenge that permanent magnets were not well known in solenoids, appear in the body and not the preamble with such absence not

qualifying as proper notice of rejection to the applicant per in re Hoch, footnote 3. Prior art rejections to rejoined claims 30 and 41 were also omitted. Accordingly, a new office action with new rejection is being made to rectify this problem.

Priority

4. A CIP priority claim requires that there be at least one common inventor between the parent application and the application in which priority is claimed to each application in the priority chain. As the Board has raised new doubt on inventorship, the priority claims are being denied, pending any such applicant rebuttal of the lack of common inventors.

There is a further requirement that a claim is entitled to benefit of priority to an earlier filed application via a CIP link only if each element of the claim was present in the earlier application. As the Board has pointed out, the door claimed in claims 1, 24, and 45 is absent in application 08/361783. As such, those claims with the door are not entitled to the priority filing date of application 08/361783.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 27-43 are rejected under 35 U. S. C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is insufficient basis in the claim(s) (Re: cl 27) for the limitation “the determination that the medical item is stored in the interior area”

(Re: cl 31) There are a plurality of locations that might be described as “other locations” with no way of distinguishing which one is the “other” being specified.

(Re: cl 36) It is not apparent how the door controls the access.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1, 3, 9, 27, 44, 31, 32, 33, 36, 37, 38, 42-43 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lavigue et al.. Lavigue et al.. discloses: (re: cl 1, 24) a computer in operative connection with a data store, data store includes user data representative of a plurality of authorized users (col. 10 L 27-61, the supervisor id is recognized , compared and the computer is operable contingent upon that comparison (col. 6 L 20-59); the interface includes an input device (col. 5 L 50-65); a refrigerator wherein a storage location for at least one medical item is located in an interior area of the refrigerator, the refrigerator including a door (col. 7 L 36-52); a lock module operatively attached to the refrigerator, the lock responsive to the computer (col. 11 L 39-43); the input device of the interface corresponding to the data representative of an authorized user stored in the data store (col. 10 L 27-39), the computer enabling user to input indicia corresponding to the medical item (col. 9 L 17-34), the computer operative to output a signal which changes the lock (col. 11 L 39-43; col. 8 L 59-62); computer is operative responsive to input of the item indicia to unlock the module (col. 8 L 24-30; col. 8 L 58-59).

Art Unit: 3653

(Re: cl 3) door is operative to generate an open signal responsive to the door opening, computer is operative to the open signal to change the lock module to the locked condition (col. 6 L 47-56); the computer operative responsive to the lock condition to change the condition of the lock (col. 8 L 60-62; Fig. 5, #113; Fig. 3, #118 & 139;

(re: cl 25) door sensor, a latching device for selectively maintaining the lock module in the locked and unlocked conditions (col. 6 L 47-56; col. 7L 10-35);

(Re: cl 9) door opening sensor signaling data store (col. 6 L 47-56);

(Re: cl 27, 44) attaching a lock module to a refrigerator, placing a medical item in the interior or the refrigerator door (col. 7 L 36-52), storing data associated with the medical item, imputing medical item type, determining type of medical item in interior, generating signal determinative that a medical item is stored in the interior, enabling access to the interior of the computer (col. 7 L 36-52);

(Re: cl 31) placing medical items in plurality of storage locations, at least on in the interior and at least one exterior and storing data representative of the medical items stored (col. 9 L 17-34);

(Re: cl 32) the first item is placed in the storage location in the interior and a second item is placed in the other locations (col. 7 L 36-52),

(Re: cl 33) other location is in dispenser, inputting the type of item stored, determining that the second type of medical item is store in dispenser, generating a second signal responsive to the determination second type is in dispenser (col. 6 L 20-59);

(Re: cl 36) opening refrigerator door, sensing door opened (col. 6 L 47-56; col. 7L 10-35);

Art Unit: 3653

(Re: cl 37, 42) storing authorized users, comparing whether authorized user as a contingency to opening refrigerator (col. 10 L 27-39),

(Re: cl 38,43) data stored representative of an authorized user (col. 10 L 27-39).

9. Claims 1, 4, 12-15, 21, 24, 27-29, 31-33, 39, 41 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Colson, Jr. et al. '450. Colson, Jr. et al. '450 discloses: (Re: cl 1, 24) a computer in operative connection with a data store, data store includes user data representative of a plurality of authorized users (col. 5 L 17-29; Fig. 1, #21); the interface includes an input device (col. 5 L 17-29); a refrigerator wherein a storage location for at least one medical item is located in an interior area of the refrigerator, the refrigerator including a door (col. 3 L 1-16; col. 6 L 32-67; Fig. 1, #25); a lock module operatively attached to the refrigerator, the lock responsive to the computer (col. 2 L 50-55; col. 5 L 20-25; col. 6 L 48-67); the input device of the interface corresponding to the data representative of an authorized user stored in the data store, the computer enabling user to input indicia corresponding to the medical item (col. 5 L 20-40), the computer operative to output a signal which changes the lock (col. 5 L 20-25) the computer is operative responsive to input of the item indicia to unlock the module; computer is operative to the open signal to change the lock module to the locked condition (col. 6 L 47-56);

(Re: cl 4) lock has manual unlocking mechanism armed to unlock when the lock is enabled (c4 L 65-c5L 15)

(Re: cl 12) lock module mounted in support of external surface with of refrigerator bolt (41) connecting external surface of door lock (c4 L 65-c5L 15)

(Re: cl 13) bolt 41 attached to front surface and side door (c4 L 65-c5L 15)

Art Unit: 3653

(Re: cl 14) bolt attached to door through bracket (57)

(Re: cl 15) bolt supporting bracket connected to door by fasteners (the screws)

(Re: cl 21) lock module locks when door closed (c5L 6-15, spring biased).

(Re: cl 27, 44) attaching a lock module to a refrigerator, placing a medical item in the interior or the refrigerator, storing data associated with the medical item, imputing medical item type, determining type of medical item in interior, generating signal determinative that a medical item is stored in the interior, enabling access to the interior of the computer (col. 3 L 1-16; col. 6 L 32-67; Fig. 1, #25);

(Re: cl 28) attaching lock to exterior of a body and a bolt supporting bracket to an exterior of the door (attached via screws)

(Re: cl 29) attaching bolt supporting bracket to exterior with at least one fastener and covering fastener with a cover (c4 L 65-c5L 15)

(Re: cl 31) placing medical items in plurality of storage locations, at least on in the interior and at least one exterior and storing data representative of the medical items stored

(Re: cl32) the items is placed in the storage location in the interior and a second item is placed in the other locations (col. 3 L 1-16; col. 6 L 32-67; Fig. 1, #25)

(Re: cl 33) other location is in dispenser, inputting the type of item stored, determining that the second type of medical item is store in dispenser, generating a second signal responsive to the determination second type is in dispenser (col. 3 L 1-16; col. 6 L 32-67; Fig. 1, #25)

(Re: cl 39) manually actuating the unlocking mechanism and accessing the interior (c4 L 65-c5L 15).

Art Unit: 3653

10. Claim 45 is rejected under 35 U.S.C. 102(b) as being anticipated by Pearson '232.

Pearson '232 discloses: a computer in operative connection with a data store, data store includes user data representative of a plurality of authorized users (col. 4 L 60-col. 5 L 5 with col. 6 L 18-23); the interface includes an input device (col. 53 L 5-20); a lock in operative connection with the computer, the lock is responsive to the computer (col. 3 L 22-38); the input device of the interface corresponding to the data representative of an authorized user stored in the data store, the computer enabling user to input indicia corresponding to the medical item (col. 4 L 33-49), the computer operative to output a signal which changes the lock (col. 5 L 1-8) the computer is operative responsive to input of the item indicia to unlock the module (col. 6 L 6-18); computer is operative to the open signal to change the lock module to the locked condition (col. 6 L 47-56).

11. Claim 46 is rejected under 35 U.S.C. 102(e) as being anticipated by Higham '456.

Higham '456 discloses: (base claim) a computer in operative connection with a data store, data store includes user data representative of a plurality of authorized users (col. 13 L 30-41); the interface includes an input device (col. 13 L 11-40; col. 10 L 46-53); a lock in operative connection with the computer, the lock is responsive to the computer (col. 10 L 11-29); the input device of the interface corresponding to the data representative of an authorized user stored in the data store, the computer enabling user to input indicia corresponding to the medical item (col. 13 L 11-30), the computer operative to output a signal which changes the lock (col. 13 L 11-30) the computer is operative responsive to input of the item indicia to unlock the module (col. 13 L 11-30); computer is operative to the open signal to change the lock module to the locked condition (col. 14 L 40-45);

Art Unit: 3653

(re:cl 46) the lock comprises a visual indicator (col. 11 L 41-65).

12. Claim 45 is rejected under 35 U.S.C. 102(b) as being anticipated by Colson, Jr. et al.

'297. Colson, Jr. et al. '297 discloses: a computer in operative connection with a data store, data store includes user data representative of a plurality of authorized users, the interface includes an input device, a lock in operative connection with the computer, the lock is responsive to the computer, the input device of the interface corresponding to the data representative of an authorized user stored in the data store, the computer enabling user to input indicia corresponding to the medical item, the computer operative to output a signal which changes the lock the computer is operative responsive to input of the item indicia to unlock the module, computer is operative to the open signal to change the lock module to the locked condition (col. 4 L 39-53).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 2 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavigue et al., as further evidenced by Nemoto, Keskin et al. , and Tabata supplied in rebuttal to applicant's official notice challenge that the use of permanent magnets in solenoids was not well know in the art. Lavigue et al. discloses the elements previously discussed and further discloses:

Art Unit: 3653

(Re: cl 2) a visual indicator proximate the lock (col. 11 L 3-43); the lock has a solenoid (col. 7 L 24-26). It would have been obvious to place the visual indicator on the lock as a matter of design choice because proximate rather than precise mounting location of a visual indicator is sufficient to indicate to the user the identification of the location of the lock corresponds with the compartment(s) and the status of the lock corresponds with the compartment access commands from the computer. The examiner takes official notice that the use of permanent magnets in solenoids is well known. It would have been obvious to make the solenoid with a permanent magnet because such a construction averts the need for plural windings.

As per applicant's challenge of permanent magnet solenoids not being well known in the dispensing art, the examiner cites in rebuttal Nemoto (abstract), Keskin et al. (abstract), Tabata (abstract) as showing permanent magnets being well known in solenoids.

15. Claims 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higham et al. '456. Higham et al discloses the elements previously disclosed and further discloses: (re:cl 47) the lock comprises a door sensor, the door sensor is operative to generate an open signal responsive to opening the door (col. 11 L 23-41).

Higham et al '456 impliedly suggests the computer is operative responsive to the open signal to change the lock to the locked condition whenever the door is closed (col. 10 L 11-29; col. 13 L 44-59). As the processor of Higham et al '456 only permits one door open a time and the button opening embodiment necessitates a button being pressed before opening, it is suggested that all doors will be locked upon closure. It would have been obvious for the processor of Higham et al '456 to lock the door upon closure to avoid the confusion prone with multiple drawers open as suggested and taught by Higham et al '456.

Art Unit: 3653

16. Claims 1, 3, and 24-26 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavigue et al. in view of Aten et al.. Lavigue et al. discloses the elements previously disclosed and further discloses: the lock has a solenoid (col. 7 L 24-26). It would have been obvious to make the refrigerated dispenser of Laviue et al. with a solenoid having a permanent magnet because a construction averts the need for plural windings as taught by Aten et al. (col. 9 L 1-30).

17. Claims 1-3 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson, Jr. et al. '450 in view of Lavigne et al. Colson, Jr. et al. '450 discloses the elements previously disclosed and further discloses: a latching device for selectively maintaining the lock module in the locked and unlocked conditions (col. 5 L 6-16 ; col. 8 L 24-30; col. 8 L 58-59); visual indicators corresponding to each compartment which is unlocked by the locks (col. 7 L .35-46). Colson, Jr. et al. '450 does not disclose: a door sensor; door is operative to generate an open signal responsive to the door opening, the visual indicator is located on the lock. Lavigne et al. discloses a door sensor with the door operative to generate an open signal responsive to the door opening. It would have been obvious to substitute location of the visual indicator to the lock as a matter of design choice because proximate placement of a visual indicator is sufficient to indicate to the user the location of the compartment(s) and the status of the lock corresponds with the compartment access commands from the computer (col. 6 L 47-56; col. 7L 10-35). It would have been obvious to use a sensor to detect the opening of the door as a means of saving power and recording removal of the item as taught by Colson, Jr. et al. '450.

18. Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blechl in view of Weinberger. Blechl discloses: (re cl 45) a computer in operative connection with a data

Art Unit: 3653

store, data store includes user data representative of a plurality of authorized users (col. 4 L 20-38); the interface includes an input device (col. 4 L 39-50); a lock in operative connection with the computer, the lock is responsive to the computer (col. 4 L 39-50); the input device of the interface corresponding to the data representative of an authorized user stored in the data store, the computer enabling user to input indicia corresponding to the medical item (col. 4 L 39-50), the computer operative to output a signal which changes the lock (col. 9 L 44-55) the computer is operative responsive to input of the item indicia to unlock the module (col. 9 L 36-55); computer is operative to the open signal to change the lock module to the locked condition (col. 4 L 39-55).

Weinberger discloses any claimed elements not explicitly taught by Blechl including:

(re:cl 46) the lock comprises a visual indicator (col. 7 L 13-34) ;

(re:cl 47) the lock comprises a door sensor, the door sensor is operative to generate an open signal responsive to opening the door, the computer is operative responsive to the open signal to change the lock to the locked condition whenever the door is closed (col. 13 L 20-30).

It would have been obvious for Blechl to include a visual indicator as a part of a lock module because a visual signal can direct the user to the correct door/drawer as taught by Weinberger. It would have been obvious for Blechl to have the computer to lock the door responsive to a sensor indicating door closure because locking the door can reduce unauthorized access as taught by Weinberger.

19. Claims 16-20 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavigne et in view of Engleson et al. wherein Lavigne et al. discloses the elements previously

Art Unit: 3653

discussed and Engleson et al. discloses any elements not explicitly taught by Lavigne et al.

including:

(Re: cl 16) reading device for reading item indicia (90)

(Re: cl17) refrigerator includes machine readable indicia (c6 L 14-25)

(Re: cl18) report having machine readable indicia item indicia by reading machine readable indicia (c12 L 45-65)

(Re: cl19) printer for generating a report (c9 L 30-34; c6 L 14-25)

(Re: cl20) at least one machine readable indicia (c6 L 14-25)

(Re: cl 35) reading a bar code scanner (c6 L 14-25).

It would have been obvious at the time of the invention for Lavigne et al. to use a reader device and indicia on a dispenser to automatically input what medication is being removed from where items are being removed and reading bar code reduces the chance of human entered error as taught by Engleson et al.. It would have been obvious at the time of the invention for Lavigne et al. to generate a report for tracking patient care and optimize treatment and to generate machine readable indicia to easily identify the report as taught by Engleson et al.

20. Claims 4-8 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson, Jr. et al. '450 in view of Iwamoto et al. wherein Colson, Jr. et al. '450 discloses the elements previously discussed and Iwamoto et al. discloses any elements not explicitly taught by Colson, Jr. et al. '450 including:

(Re: cl 4) lock has manual unlocking mechanism armed to unlock when the lock is enabled

(Re: cl 5) lock module has a movable lever (34), catch (33), pawl (32a)

(Re: cl 6) lever 4 pivots, and is engaged by a solenoid (c4 L 4-9)

(Re: cl 7) catch has tapered step on lever (33a)

(Re: cl 8) unlocking mechanism includes cylinder and projection for engaging lever (8)

(Re: cl 40) first mechanism engages lever on first side of pivot (c4 L 1-21).

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to substitute a lock constructed with solenoid activated pivoting lever, catch with taper step, and

Application/Control Number: 09/086,857

Art Unit: 3653

pawl to positive release electrically activated of the solenoid triggering the latch release of the door as taught by Iwamoto et al..

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to include a cylinder as backup for electrical failure as taught by Iwamoto et al.. It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to engage a lever to open the locking mechanism with reduced power through such a mechanical ratiometric force reducing device as taught by Iwamoto et al..

21. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colson, Jr. et al. '450 in view of Warren wherein Colson, Jr. et al. '450 discloses the elements previously discussed and Warren discloses any elements not explicitly taught by Colson, Jr. et al. '450 including:

(Re: cl 23) lock module includes a retrofit assembly (116).

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to substitute its built in lock with a retrofit kit lock as retrofit locks can be placed on a unit after failure as taught by Warren.

22. Claims 9, 16-17, 20 and 22 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson, Jr. et al. in view of Holmes '467 wherein Colson, Jr. et al. '450 discloses the elements previously discussed and Holmes '467 discloses any elements not explicitly taught by Colson, Jr. et al. '450 including:

(Re: cl 9) door opening sensor signaling data store (c 8L12-15)
(Re: cl 22) unlock condition has a timeout return to locked condition (c8 L25-30)
(Re: cl 16) reading device for reading item indicia (c6 L19-25)
(Re: cl 17) dispenser includes machine readable indicia (c6 L19-25)
(Re: cl 20) at least one machine readable indicia (c6 L19-25).

Art Unit: 3653

(Re: cl 34) labeling the dispenser with machine readable indicia, reading the indicia with a reading device (c6 L19-25)

(Re: cl 35) reading a bar code scanner (c6 L19-25).

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to use a reader device and indicia on dispenser to automatically input what medication is being removed and from where items are being removed as taught by Holmes '467.

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to have a lock release timeout to secure contents from an apparent subsequently unattended dispenser as taught by Holmes '467.

23. Claims 9, 16-17, 20, 22, 34-35 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavigne et al. in view of Holmes '467 wherein Lavigne et al. discloses the elements previously discussed and Holmes '467 discloses any elements not explicitly taught by Lavigne et al. including:

(Re: cl 9) door opening sensor signaling data store (c 8L12-15)

(Re: cl 22, 42) unlock condition has a timeout return to locked condition (c8 L25-30)

(Re: cl 16) reading device for reading item indicia (c6 L19-25)

(Re: cl 17) dispenser includes machine readable indicia (c6 L19-25)

(Re: cl 20) at least one machine readable indicia (c6 L19-25).

(Re: cl 34) labeling the dispenser with machine readable indicia, reading the indicia with a reading device (c6 L19-25)

(Re: cl 35) reading a bar code scanner (c6 L19-25).

It would have been obvious at the time of the invention for Lavigne et al. to use a reader device and indicia on dispenser to automatically input what medication is being removed and from where items are being removed as taught by Holmes '467. It would have been obvious at the time of the invention for Lavigne et al. to have a lock release timeout to secure contents from an apparent subsequently unattended dispenser as taught by Holmes '467.

Art Unit: 3653

It would have been obvious at the time of the invention for Lavigne et al. to use a reader device and indicia on a dispenser, to automatically input what medication is being removed from where items are being removed and reading bar code reduces the chance of human entered error as taught by Holmes '467. It would have been obvious at the time of the invention for Lavigne et al. to use labels with indicia so that medication data can be prepared when the prescribe regimen is filled as taught by Holmes '467.

24. Claims 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson in view of McDonald '243.

Halvorson discloses:

(re cl 45) a computer in operative connection with a data store, data store includes user data representative of a plurality of authorized users (col. 4 L 20-38; col. 2 lines 37-61); the interface includes an input device (20); the input device of the interface corresponding to the data representative of an authorized user stored in the data store, the computer enabling user to input indicia corresponding to the medical item (col. 3 line 47-column 4 line 32),

McDonald '243 discloses any claimed elements not explicitly taught by Halvorson including:

the computer operative to output a signal which changes the lock (40) the computer is operative responsive to input of the item indicia to unlock the module, computer is operative to the open signal to change the lock module (40) to the locked condition (col. 2 Lines 46-61).

It would have been obvious for Halvorson to have the computer to lock the door responsive to a sensor indicating door closure because locking the door can reduce unauthorized access as taught by McDonald '243.

Art Unit: 3653

25. Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson in view of Weinberger. Halvorson discloses the elements previously discussed and further discloses:

(re cl 45) a computer in operative connection with a data store, data store includes user data representative of a plurality of authorized users (col. 4 L 20-38); the interface includes an input device (col. 4 L 39-50); the input device of the interface corresponding to the data representative of an authorized user stored in the data store, the computer enabling user to input indicia corresponding to the medical item (col. 4 L 39-50).

Weinberger discloses any elements not explicitly taught by Halvorson including:

a lock in operative connection with the computer, the lock is responsive to the computer (col. 4 L 39-50); the computer operative to output a signal which changes the lock (col. 9 L 44-55) the computer is operative responsive to input of the item indicia to unlock the module (col. 9 L 36-55); computer is operative to the open signal to change the lock module to the locked condition (col. 4 L 39-55).

(re:cl 46) the lock comprises a visual indicator (col. 7 L 13-34) ;

(re:cl 47) the lock comprises a door sensor, the door sensor is operative to generate an open signal responsive to opening the door, the computer is operative responsive to the open signal to change the lock to the locked condition whenever the door is closed (col. 13 L 20-30).

It would have been obvious for Halvorson to have the computer to lock the door responsive to a sensor indicating door closure because locking the door can reduce unauthorized access as taught by Weinberger. It would have been obvious for Halvorson to include a visual

Art Unit: 3653

indicator as a part of a lock module because a visual signal can direct the user to the correct door/drawer as taught by Weinberger.

26. Claims 16-20 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson, Jr. et al. '450 in view of Gombrich et al. wherein Colson, Jr. et al. '450 discloses the elements previously discussed and Iwamoto et al. discloses any elements not explicitly taught by Colson, Jr. et al. '450 including:

- (Re: cl 16) reading device for reading item indicia (c8 L 4-30)
- (Re: cl 17) refrigerator includes machine readable indicia (c8 L 4-30)
- (Re: cl 18) report having machine readable indicia item indicia by reading machine readable indicia (c8 L 4-30)
- (Re: cl 19) printer for generating a report (c8 L 4-30)
- (Re: cl 20) at least one machine readable indicia (c8 L 4-30)
- (Re: cl 34) labeling the refrigerator with machine readable indicia, reading the indicia with a reading device (c8 L 4-30)
- (Re: cl 35) reading a bar code scanner (c8 L 4-30).

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to use a reader device and indicia on a dispenser to automatically input what medication is being removed and from where items are being removed as taught by Gombrich et al..

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to generate a report for tracking patient care and optimize treatment and to generate machine readable indicia to easily identify the report as taught by Gombrich et al..

It would have been obvious at the time of the invention for Colson, Jr. et al. '450 to use a reader device and indicia on a dispenser, to automatically input what medication is being removed from where items are being removed and reading bar code reduces the chance of human entered error as taught by Gombrich et al.. It would have been obvious at the time of the

Art Unit: 3653

invention for Colson, Jr. et al. '450 to use labels with indicia so that medication data can be prepared when the prescribe regimen is filled as taught by Gombrich et al..

27. Claims 16-20 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavigne et al. in view of Engleson et al. wherein Lavigne et al. discloses the elements previously discussed and Iwamoto et al. discloses any elements not explicitly taught by Lavigne et al. including:

- (Re: cl 16) reading device for reading item indicia 90
- (Re: cl 17) refrigerator includes machine readable indicia (c6 L 14-25)
- (Re: cl 18) report having machine readable indicia item indicia by reading machine readable indicia (c12 L 45-65)
- (Re: cl 19) printer for generating a report (c9 L 30-34; c6 L 14-25)
- (Re: cl 20) at least one machine readable indicia (c6 L 14-25)
- (Re: cl 34) labeling the refrigerator with machine readable indicia, reading the indicia with a reading device (c6 L 14-25).

It would have been obvious at the time of the invention for Lavigne et al. to use a reader device and indicia on a dispenser to automatically input what medication is being removed and from where items are being removed as taught by Engleson et al.. It would have been obvious at the time of the invention for Lavigne et al. to generate a report for tracking patient care and optimize treatment and to generate machine readable indicia to easily identify the report as taught by Engleson et al.. It would have been obvious at the time of the invention for Lavigne et al. to use labels with indicia so that medication data can be prepared when the prescribe regimen is filled as taught by Engleson et al..

28. Claims 4-11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavigne et in view of Iwamoto et al. wherein Lavigne et al. discloses the elements previously discussed as well as

- (Re: cl 11) bolt goes through door (c3 L 38-50)

Art Unit: 3653

and Iwamoto et al. discloses any elements not explicitly taught by Lavigne et al. including:

(Re: cl 10) lock module has a movable lever (34), catch (33), pawl (32a) and lever is engaged by a solenoid (c4 L 4-9)

(Re: cl 4) lock has manual unlocking mechanism armed to unlock when the lock is enabled (C3 L 24-28)

(Re: cl5) lock module has a movable lever (34), catch (33), pawl (32a)

(Re: cl6) lever 4 pivots, and is engaged by a solenoid (c4 L 4-9)

(Re: cl7) catch has tapered step on lever (33a)

(Re: cl8) unlocking mechanism includes cylinder and projection for engaging lever (8)

(Re: cl 21) lock module locks when door closed (c3 L 25-31).

It would have been obvious at the time of the invention for Lavigne et al. to substitute a lock constructed with solenoid activated pivoting lever, catch with taper step, and pawl to positive release electrically activated of the solenoid triggering the latch release of the door as taught by Iwamoto et al..

It would have been obvious at the time of the invention for Lavigne et al. to lock the door upon closing to secure contents as taught by Iwamoto et al..

29. Claims 11-15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavigne et al. in view of Genest et al. wherein Lavigne et al. discloses the elements previously discussed as well as

(Re: cl 11) bolt goes through door (c3 L 38-50)

and Genest et al. discloses any elements not explicitly taught by Lavigne et al. including:

(Re: cl 23) lock module includes a retrofit assembly (abstract-unitary self contained

(Re: cl 12) lock module mounted in support of external surface with bolt connecting external surface of door with lock (c9 L 22-30)

(Re: cl 13) bolt attached to front surface and side door (c10 L 48-69)

(Re: cl 14) bolt attached to door through bracket (c10 L 48-69)

Art Unit: 3653

(Re: cl 15) bolt supporting bracket connected to door by fasteners (c10 L 48-69)

It would have been obvious at the time of the invention for Lavigne et al. to substitute its built in lock with a retrofit kit lock as retrofit locks can be placed on a unit after failure as taught by Genest et al.. It would have been obvious at the time of the invention for Lavigne et al. to operationally attach the bolt to the front door as external mounting arrangement is easy to mount and does not reduce the amount of interior storage space consumed as taught by Genest et al..

30. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colson et al. '450 in view of McDonald '243. Colson et al. '450 discloses the elements previously disclosed and further discloses: McDonald '243 discloses any elements not explicitly taught by Colson et al. '450 including:

the computer operative to output a signal which changes the lock (40) the computer is operative responsive to input of the item indicia to unlock the module, computer is operative to the open signal to change the lock module (40) to the locked condition (col. 2 Lines 46-61).

It would have been obvious for Colson et al. '243 to have the computer to lock the door responsive to a sensor indicating door closure because locking the door can reduce unauthorized access as taught by McDonald '243.

31. Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson et al. '450 in view of Weinberger. Colson et al. '450 discloses the elements previously disclosed and further discloses: Weinberger discloses any elements not explicitly taught by Colson et al. '450 including

Art Unit: 3653

(Re: cl 41) sensing that the door is open and changing the lock condition to lock responsive to the sensor sensing the door is open so that the door is locked upon closing (col. 13 L 20-30);

(re: cl 30) the lock comprises a visual indicator (col. 7 L 13-34).

It would have been obvious for Colson et al. '450 to include a visual indicator as a part of a lock module because a visual signal can direct the user to the correct door/drawer as taught by Weinberger. It would have been obvious for Colson et al. '450 to have the computer to lock the door responsive to a sensor indicating door closure because locking the door can reduce unauthorized access as taught by Weinberger.

32. Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colson et al. '450 in view of Higham '456. Colson et al. '450 discloses the elements previously disclosed and further discloses: Higham '456 discloses any elements not explicitly taught by Colson et al. '450 including

(Re: cl 41) sensing that the door is open and changing the lock condition to lock responsive to the sensor sensing the door is open so that the door is locked upon closing (col. 10 L 11-29; col. 13 L 44-59);

(re: cl 30) the lock comprises a visual indicator (col. 11 L 23-41).

It would have been obvious for Colson et al. '450 to include a visual indicator as a part of a lock module because a visual signal can direct the user to the correct door/drawer as taught by Higham '456. It would have been obvious for Colson et al. '450 to have the computer to lock the door responsive to a sensor indicating door closure because locking the door can reduce unauthorized access as taught by Higham '456.

Art Unit: 3653

Withdrawn Rejections

33. The rejections under 35 U.S.C. 103(a) evidenced by Lavigne to claims 1, 3, 24, and 25 is withdrawn as rising and falling together with other rejections independent of whatever chronological right applicant establishes or what claim construction is adapted. The rejection evidenced by Higham '456 under 35 U.S.C. 103(a) to claim 46 is withdrawn. The rejection evidenced by Colson '297 in view of Lavigne under 35 U.S.C. 103(a) to claims 45-47 is withdrawn. The rejection evidenced by Colson '297 under 35 U.S.C. 103(a) to claims 45-46 is withdrawn.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As requested, the following rejections are identified as the strongest rejections on each claim per the Office claim construction-excluding chronological strength issues and disputed claim interpretations: 1) Lavigne et al. ; 2) Colson et al. '450 in view of Lavigne ; 3) Lavigne et al. 4) Colson et al. '450; 5) Lavigne et in view of Iwamoto ; 6) Lavigne et in view of Iwamoto; 7) Lavigne et in view of Iwamoto ; 8) Lavigne et in view of Iwamoto ; 1) Lavigne et al. ; 10) Lavigne et in view of Iwamoto ; 11) Lavigne et in view of Iwamoto; 12) Colson et al. '450; 13) Lavigne et al. in view of Genest 14) Lavigne et al. in view of Genest; 15) Lavigne et al. in view of Genest; 16) Lavigne et al. in view of Engleson ; 17) Lavigne et al. in view of Engleson; 18) Lavigne et al. in view of Engleson ; 19) Lavigne et al. in view of Engleson ; 20) Lavigne et al. in view of Engleson; 21) Colson et al. '450; 22) Lavigne et al. in view of Holmes; 23) Lavigne et al. in view of Warren; 24) Lavigne et al.; 25) Lavigne et al.; 26) Lavigne et al.; 27) Lavigne et al.; 28) Colson et al. '450 ; 29) Colson et al. '450 ; 30) Colson et al. '450 in view

Art Unit: 3653

of Higham et al. '456; 31) Colson et al. '450 ; 32) Colson et al. '450 ; 33) Colson et al. '450 ; 34) Lavigne et al. in view of Engleson; 35) Colson et al. '450 in view of Gombrich; 36) Lavigne et al. ; 37) Lavigne et al. ;38) Lavigne et al. ;39) Colson et al. '450 ; 40) Colson et al. '450 in view of Iwamoto; 41) Colson et al. '450 in view of McDonald '243 ; 42) Lavigne et al. ; 43) Lavigne et al. ; 44) Lavigne et al. ; 45) Halverson in view of McDonald '243 ; 46) Higham et al. '456 ; 47) Halverson in view of Weinberger.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mck
10/9/06


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600